



FACULDADE DE DIREITO
Universidade de Lisboa

Ficha de Unidade Curricular

Curso de Doutoramento

1. Nome da Unidade curricular:

Direito Administrativo

2. Informação Complementar:

Duração: Semestral ☐ Anual ☒

3. Docente responsável e respetiva carga letiva na unidade curricular:

David Duarte

4. Outros docentes e respetivas cargas letivas na unidade curricular:

- X

5. Objetivos de aprendizagem (conhecimentos, aptidões e competências a desenvolver pelos estudantes):

- X

6. Conteúdos programáticos:

Discrecionariedade Administrativa: A Perspectiva Analítica

0: Introdução

1: O conceito operativo de discrecionariedade

1.1: Alternativas legais, pluralidade de estatutos deontológicos da acção e escolha

1.2: Alternativas de linguagem e alternativas normativas

1.3: A componente epistémica das alternativas

2: Discrecionariedade e linguagem

2.1: Certeza e incerteza linguísticas

2.2: Elenco de incertezas linguísticas

2.3: Incertezas linguísticas e alternativas

3: Discrecionariedade e normas

3.1: Estrutura normativa

3.2: Normas de competência e normas de conduta em sentido estrito

3.3: Operadores deontológicos e alternativas

3.4: Conflitos normativos e alternativas

4: Discrecionariedades abstracta e concreta

4.1: Elenco de alternativas

4.2: Eliminação de alternativas: derrotabilidade

4.3: Escolha e reserva de administração

7. Demonstração da coerência dos conteúdos programáticos com os objetivos da unidade curricular:

- X

8. Metodologias de ensino:

- as aulas têm a estrutura de seminário;

9. Avaliação:

- entrega de um projecto de investigação no final do primeiro semestre e de um paper no final do segundo;

- a classificação final é a média do paper (80%) com a avaliação relativa à participação nas sessões (20%);

10. Demonstração da coerência das metodologias de ensino com os objetivos de aprendizagem da unidade curricular:

- X

11. Bibliografia principal:

Alchourrón, Carlos / Bulygin, Eugenio

- 1998. Introducción a la Metodología de las Ciencias Jurídicas y Sociales. Buenos Aires: Astrea.



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 - 2002. Theory of Constitutional Rights. Oxford: Oxford University Press.
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- 2005. Normas y Sistemas Normativos. Madrid: Marcial Pons.
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- 2011. Linguistic Objectivity in Norm Sentences: Alternatives in Literal Meaning. *Ratio Juris*. 24. 2. 111-138.
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- 2017. Marry Me a Little. How Much Precision is Enough in Law? *Droit & Philosophie*. 9. 1. 45-69.
 - 2002. Conflitti tra Principi Costituzionali. *Diritto & Questioni Pubbliche*. 2. 19-34.
 - 1998. Legal Indeterminacy and Constitutional Interpretation. Dordrecht: Springer.
- Raz, Joseph
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- 2015. To Whom Does the Law Speak ? Canvassing a Neglected Picture of Law's Interpretative Field. Problems of Normativity, Rules and Rule-Following. Edited by Tomasz Gzbert-Studnicki and Krzysztof Pleszka. Cham: Springer. 265-280.
- Sartor, Giovanni
- 2013. The Logic of Proportionality: Reasoning with Non-Numerical Magnitudes. *German Law Journal*. 14. 8. 1419-1456.
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 - 1997. Legal Theory and Value Judgments. *Law and Philosophy*. 16. 447-477.
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12. Observações:

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Curricular Unit Sheet



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PhD Course

1. Curricular Unit Name:

Administrative Law

2. Complementary Information:

Duration: Semester ☐ Annual ☒

3. Responsible Academic staff and respective workload in the curricular unit:

David Duarte

4. Other academic staff and respective workloads in the curricular unit:

- X

5. Learning outcomes of the curricular unit:

- X

6. Syllabus:

Administrative Discretion: An Analytical Perspective

0: Introduction

1: A workable concept of discretion

1.1: Legal alternatives, plurality of deontic statutes and choice

1.2: Language and normative alternatives

1.3: The epistemic component of alternatives

2: Discretion and language

2.1: Language certainty and uncertainty

2.2: List of language uncertainties

2.3: Language uncertainties and alternatives

3: Discretion and norms

3.1: Norm structure

3.2: Competence norms and norms on action

3.3: Deontic operators and alternatives

3.4: Conflicts of norms and alternatives

4: Abstract and concrete discretion

4.1: Set of alternatives

4.2: Elimination of alternatives: defeasibility

4.3: Choice and administrative rule of law

7. Demonstration of the syllabus coherence with the curricular unit's objectives:

- X

8. Teaching methodologies (including evaluation):

- classes will follow a workshop model;

9. Demonstration of the coherence between the teaching methodologies and the learning outcomes:

- X

10: Evaluation:

- one research project at the end of the first semester and paper at the end of the second;

- final evaluation is the average of the paper (80%) with an assessment on class participation (20%);

11: Main Bibliography:

- see above

12: Remarks:



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